

ZONING CHANGE REVIEW SHEET

CASE: C14-2023-0011 (Eskimo Hut)

DISTRICT: 6

ADDRESS: 13201 FM 620 Road, Suite 108

ZONING FROM: GR

TO: CS-1

SITE AREA: 0.0298 acres (1300 sq. ft.)

PROPERTY OWNER: AUSTIN VITORIA PLAZA LLC & SPENCER LANDING LLC &
TITLE MAX HOUSTON LLC (Caspar Chou)

AGENT: Carrie Mahan

CASE MANAGER: Sherri Sirwaitis (512-974-3057, sherri.sirwaitis@austintexas.gov)

STAFF RECOMMEDATION:

Staff recommends CS-1, Commercial-Liquor Sales District, zoning.

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

April 18, 2023

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ISSUES: N/A

CASE MANAGER COMMENTS:

The property in question is developed with a vacant 1300 sq. ft. suite in an existing retail center (Anna Plaza) that fronts onto State Highway 45/North F.M. 620 Road. The applicant is requesting CS-1 zoning at this site to for an alcohol to go/liquor sales use known as the Eskimo Hut that sells prepared daiquiris in cups that are heat sealed in a bag.

The staff is recommending the applicant's request for CS-1 zoning because the property meets the intent of the Commercial-Liquor Sales District as it is located within an existing retail center at the southeast intersection of two major arterial roadways, U.S. Highway 183 North and North F.M. 620 Road. The CS-1 zoning district would be consistent with the surrounding uses because there is CS-1 and CS-CO zoning located to the east and GR zoning to the north, south and west of the subject tract. The proposed zoning is compatible with the commercial character of this area of the city. More intensive commercial zoning is appropriate for a retail center located at the intersection of two major highways within an area of concentrated commercial and retail development.

The applicant agrees with the staff 's recommendation.

BASIS OF RECOMMENDATION:

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

Commercial-liquor sales (CS-1) district is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments. Liquor sales is one of the permitted uses in a CS-1 district.

2. *The proposed zoning should promote consistency and orderly planning.*

The CS-1 zoning district would be consistent with the zoning in this area because there is commercial zoning surrounding this tract of land. There is CS-1 and CS-CO zoning located to the east and GR zoning to the north, south and west of the subject tract.

The CS-1 zoning district is appropriate for this location because of the commercial character of the area and the frontage of the property along a state maintained highway.

3. *Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.*

The site under consideration has frontage on North U.S. 183 Highway Service Road North Bound and is located at the southeast intersection of FM 620 and U. S. Highway 183. It is

within the Lakeline Station Regional Center, as designated by the Imagine Austin Comprehensive Plan.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR	Vacant Suite within Retail Center (Anna Plaza)
<i>North</i>	GR	Retail Center (Anna Plaza: IHOP Restaurant, Schlotzky's Restaurant)
<i>South</i>	GR	Detention, Financial Services (Austin Federal Credit Union), Medical Office (Concentra Urgent Care)
<i>East</i>	GR	Retail Center (Anna Plaza: In this Building - Eye Trends Optical, Smoke Boutique Vapor, Valor Defense Academy, etc., further to the east in the shopping center - Urban Air Trampoline Park, Lowe's Home Improvement, Walmart Supercenter, etc.)
<i>West</i>	ROW	North U.S. 183 Highway Service Road North Bound

NEIGHBORHOOD PLANNING AREA: N/A

TIA: N/A

WATERSHED: Lake Creek

SCHOOLS: Round Rock I.S.D.

NEIGHBORHOOD ORGANIZATIONS:

Friends of Austin Neighborhoods
Homeless Neighborhood Association
Neighborhood Association of SW Williamson County
Neighborhood Empowerment Foundation
SELTEXAS
Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2015-0156 (Anna Plaza Spec's: 13109 North FM 620 Road)	GR, CS-CO to CS-1	01/05/16: Approved staff's recommendation of CS-1 zoning (9-0, S. Lavani-absent); B. Evans-1 st , A. Denkler-2 nd .	2/11/16: Approved CS-1 zoning on consent on all 3 readings (11-0); L. Pool-1 st , D. Zimmerman-2 nd .

C14-2015-0155 (Luby's: 13817 North U.S. Highway 183 North Bound)	GR, DR to GR	01/05/16: Approved staff's recommendation of GR zoning by consent (8-0, S. Lavani-absent, J. Goodman-arrived late); T. Webber-1 st , A. Denkler-2 nd .	2/11/16: Approved GR district zoning on all 3 readings (11-0); L. Pool-1 st , D. Zimmerman-2 nd .
C14-2011-0089 (CBL Walden Park: 13300 North FM 620 Road)	GR to CH	9/06/11: Approved the staff's recommendation of CH district zoning on consent (5-0, S. Baldrige-absent); P. Seager-1 st , C. Banks-2 nd .	10/06/11: Approved CH zoning on consent on all 3 readings (7-0); B. Spelman-1 st , L. Morrison-2 nd .
C14-2010-0085 (Northfork Plaza Shopping Center: 13945 U.S. Highway 183 North)	GR to CS-1	8/17/10: Approved CS-1-CO zoning by consent, with the following conditions agreed to by the applicant and the neighborhood: prohibit Drop-Off Recycling Collection Facility, Adult Oriented Businesses, Bail Bond Services, Commercial Blood Plasma Center and Transitional Housing (6-0, P. Seeger-absent); D. Tiemann-1 st , G. Bourgeois-2 nd .	8/26/10: Approved first reading for CS-1- CO zoning on consent, with the following prohibited uses: drop off recycling, adult oriented businesses, bail bond services, commercial blood plasma centers and transitional housing (7-0); Spelman-1 st , Martinez-2 nd . 9/30/10: Approved CS-1-CO zoning by consent on 2 nd /3 rd readings (7-0); Spelman-1 st , Martinez-2 nd .
C14-2008-0091 (2W Homestead Zoning: 14000 Block of U.S. HWY 183 N)	GR-CO, CS to CH	5/20/08: Approved staff's recommendation for CH district zoning by consent (7-0, J. Martinez-absent); K. Jackson-1 st , T. Rabago-2 nd .	7/24/08: Approved CH district zoning by consent (5-0, Cole and Shade-off the dais)
C14-2007-0046 (Wolf Hester Tract: 14000 U.S. Highway 183 North)	DR to GR	6/05/07: Approved GR-CO with condition to prohibit Pawn Shops by consent (7-0, S. Hale, J. Martinez-absent); J. Pinnelli-1 st , J. Shieh-2 nd .	7/26/07: Approved GR-CO by consent on all 3 readings (6-0); J. Kim-1 st , B. Dunkerely-2 nd .
C14-05-0140 (Hutto Place, L.P.: U.S. Highway 183 North at Lakeline Mall Drive)	CS-1-CO to GR	9/06/05: Approved staff's recommendation of GR zoning by consent (9-0); J. Martinez-1 st , J. Gohil-2 nd .	10/06/05: Approved GR zoning by consent (7-0); all 3 readings
C14-05-0006 (Hutto Place, L.P.: Lakeline Mall Drive & Highway 183 North)	GR to CS-1	2/15/05: Approved staff's recommendation of CS-1-CO on consent with the following additional conditions: 1) Limit size of structure to 12,000 sq. ft., 2) Prohibit Pawn Shop Services, Commercial Blood Plasma Center, Exterminating Services, Restaurant (General) and Cocktail Lounge. Vote: (8-0, K. Jackson-absent)	3/10/05: Approved CS-1-CO on all 3 readings (7-0)

C14-04-0121 (Northfork Plaza: 13945 U.S. Highway 183 North)	DR, GR to GR	9/7/04: Approved staff's recommendation of GR zoning by consent (8-0, J. Martinez-absent); J. Gohil-1 st , T. Rabago-2 nd .	9/30/04: Granted GR zoning (7-0); all 3 readings
C14-03-0048 (Highland Resources, Inc.: U.S. HWY 183 North and FM 620 Road North)	DR to GR	4/1/03: Approved staff's recommendation of GR zoning by consent (9-0); J. Martinez-1 st , J. Gohil-2 nd .	5/08/03: Granted GR on 3 readings (7-0)
C14-03-0046 (Northfork Plaza: 13945 U.S. Highway 183 North)	DR to GR	3/25/03: Approved staff's recommendation of GR zoning by consent (7-0, K. Jackson-not yet arrived, J. Martinez-absent); M. Whaley-1 st , J. Gohil-2 nd .	3/24/03: Granted GR on all 3 readings (6-0-1, Garcia-absent)
C14-01-0173	DR to GR	1/15/02: Approved GR-CO, w/ condition prohibiting Pawn Shops (8-0)	2/14/02: Approved GR-CO (7-0); all 3 readings
C14-00-2094	DR to GR	7/11/00: Approved staff rec. of GR-CO by consent (7-0)	8/17/00: Approved GR w/ conditions on 1 st reading (6-0, Goodman-absent) 8/31/00: Approved 2 nd /3 rd readings (6-0, KW-absent)
C14-00-2148	GO to GR	8/15/00: Approved staff rec. of GR by consent (7-2, RC/JM-Nay)	9/28/00: Approved GR (7-0); all 3 readings
C14-99-2110	DR, SF-2 to CS	3/28/00: Approved staff rec. of GR by consent (5-0)	5/18/00: Approved PC rec. of GR (6-0); all 3 readings

RELATED CASES: Zoning Ordinance No. 19990225-070b

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
FM 620 Rd NB	Level 4 (frontage)	NA TXDOT	404'	41' (frontage) 362' total cross section	yes	no	yes
Pecan Park Blvd.	Level 3	116'	95'	63'	Partial	Yes (shared)	Yes
US 183	Level 4	NA TXDOT	410'	380'	No	No	No

OTHER STAFF COMMENTS:

Comprehensive Planning

Project Name and Proposed Use: 13201 N FM 620 ROAD NB. C14-2023-0011. Project: Eskimo Hut. 0.0298 acres from CS to CS-1. Vacant Retail Space to Frozen Daquiri Shop (liquor-to-go).

Yes	Imagine Austin Decision Guidelines
Complete Community Measures	
Y	Imagine Austin Growth Concept Map: Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. Name(s) of Activity Center/Activity Corridor/Job Center: Lakeline Station Regional Center
	Mobility and Public Transit: Located within 0.25 miles of public transit stop and/or light rail station.
	Mobility and Bike/Ped Access: Adjoins a public sidewalk, shared path, and/or bike lane.
Y	Connectivity, Good and Services, Employment: Provides or is located within 0.50 miles to goods and services, and/or employment center.
Y	Connectivity and Food Access: Provides or is located within 0.50 miles of a grocery store/farmers market.
	Connectivity and Education: Located within 0.50 miles from a public school or university.
	Connectivity and Healthy Living: Provides or is located within 0.50 miles from a recreation area, park or walking trail.
	Connectivity and Health: Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor’s office, drugstore clinic, and/or specialized outpatient care.)
	Housing Affordability: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
	Housing Choice: Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.
	Mixed use: Provides a mix of residential and non-industrial uses.
	Culture and Creative Economy: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
	Culture and Historic Preservation: Preserves or enhances a historically and/or culturally significant site.
	Creative Economy: Expands Austin’s creative economy (ex: live music venue, art studio, film, digital, theater.)
	Workforce Development, the Economy and Education: Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in a particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	Industrial Land: Preserves or enhances industrial land.
3	Total Number of “Yes’s”

Environmental

The site is located over the North Edwards Aquifer Recharge Zone. The site is in the Lake Creek Watershed, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area, with Transfers</i>
Single-Family Residential (min. lot size 5750 sq. ft.)	45%	50%
One or Two Family Residential (lot size < 5750 sq. ft.)	55%	60%
Multifamily Residential	60%	65%
Commercial	65%	70%

According to floodplain maps there is a floodplain within or adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

Fire

No comments.

Parks and Recreation

Parkland dedication fees may apply to any future site plan or subdivision applications resulting from this rezoning, CS-1 alcohol sales. As of January 1, 2023, new commercial uses are subject to parkland dedication requirements at the time of site plan and subdivision.

Site Plan

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Transportation

The Austin Strategic Mobility Plan (ASMP) calls for 116' feet of right-of-way for Pecan Park Blvd. It is recommended that 58 feet of right-of-way from the existing centerline should be dedicated for as Right of Way. [LDC 25-6-51 and 25-6-55].

Water Utility

No comments for zoning change.

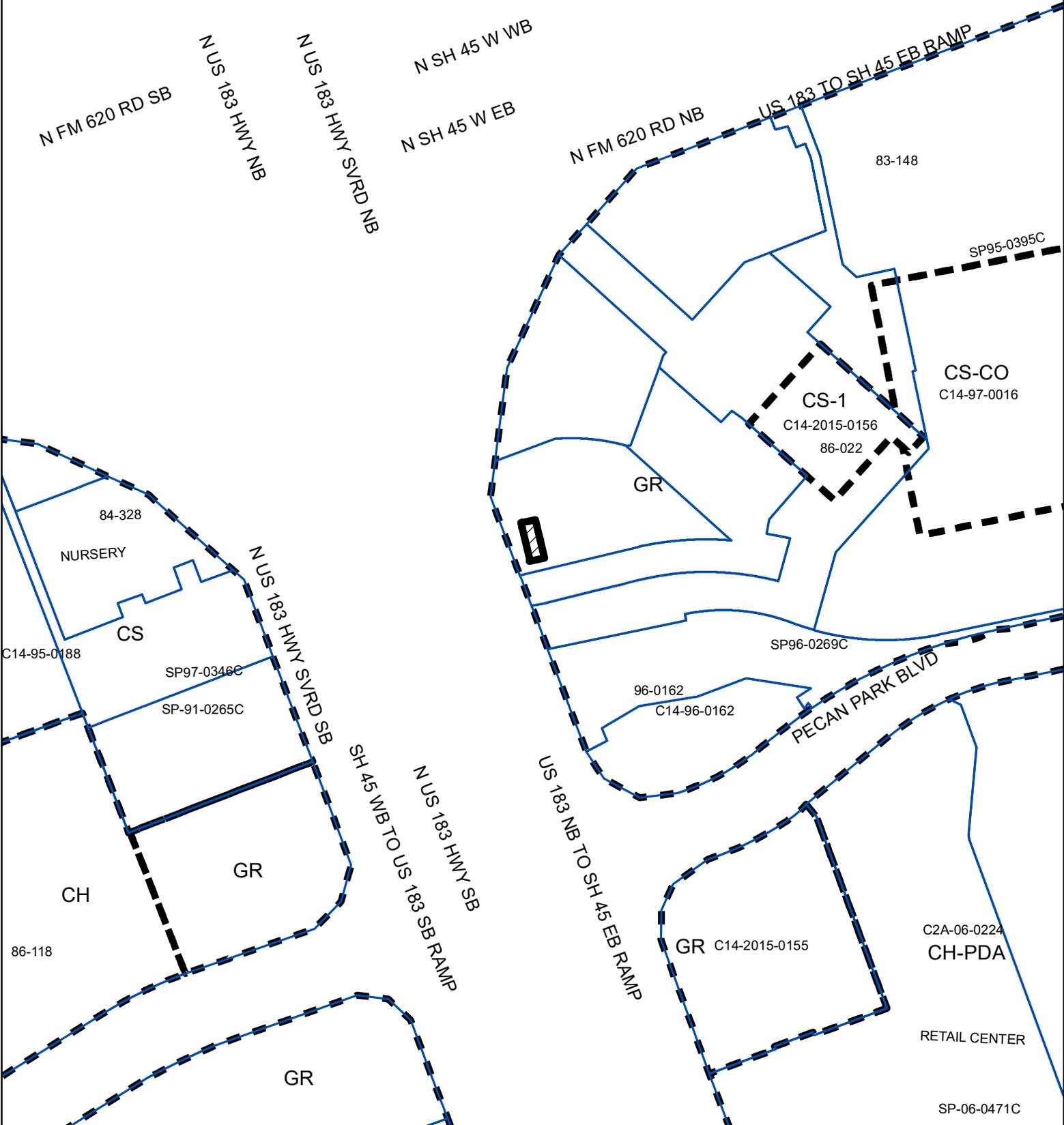
The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin.

The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. Property Survey



ZONING

ZONING CASE#: C14-2023-0011



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

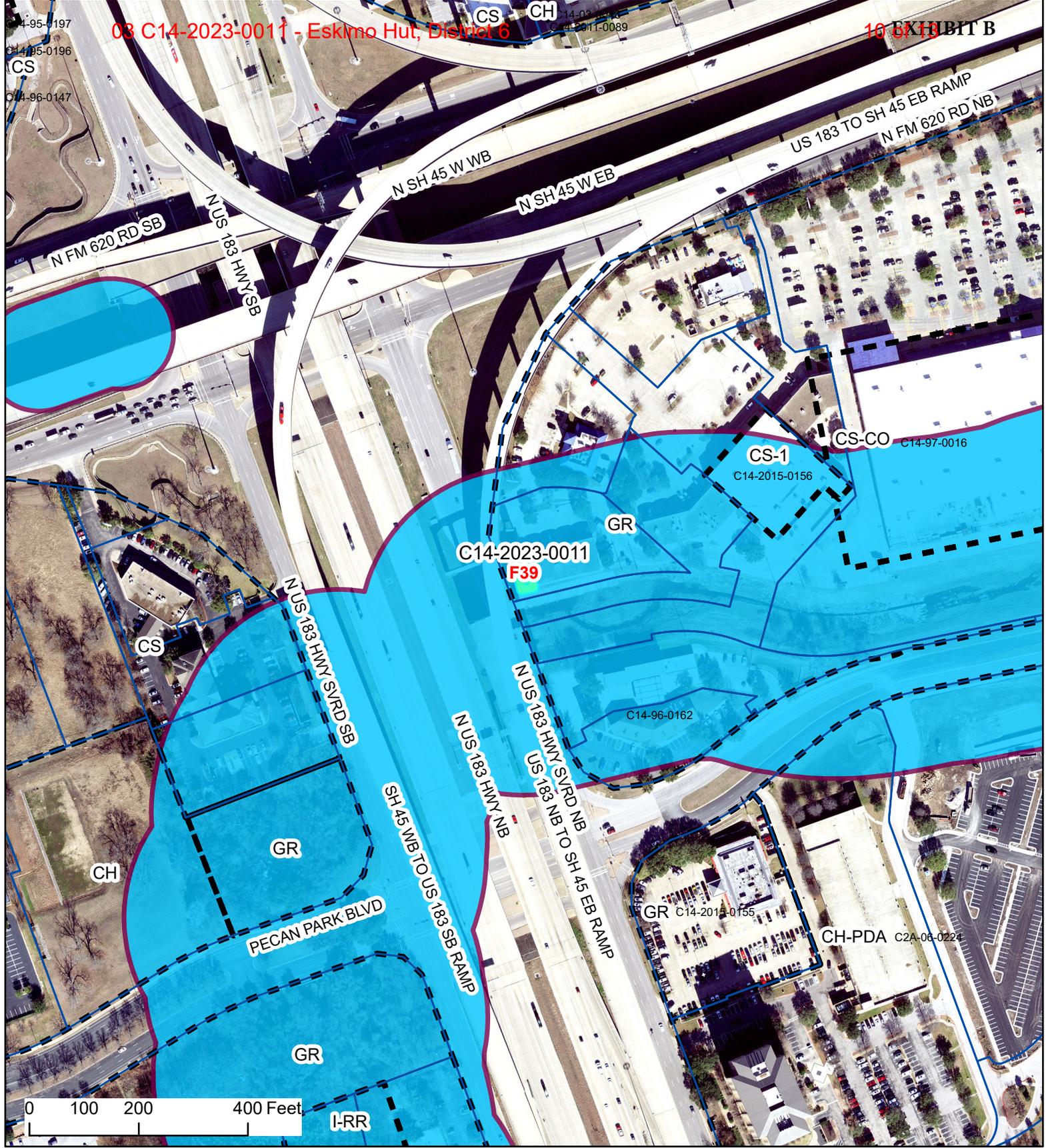
1" = 200'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or



Created: 2/6/2023



C14-2023-0011
F39

CS-1
C14-2015-0156

CS-CO
C14-97-0016

C14-96-0162

GR
C14-2015-0155

CH-PDA
C2A-06-0224

Eskimo Hut

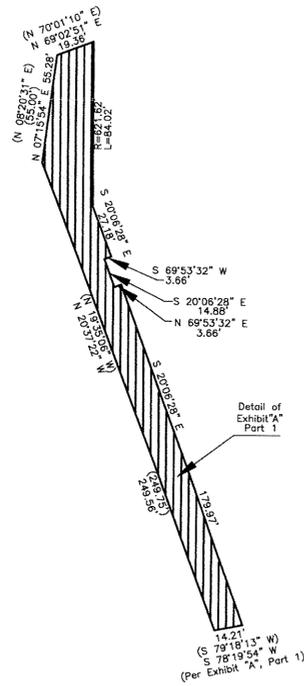
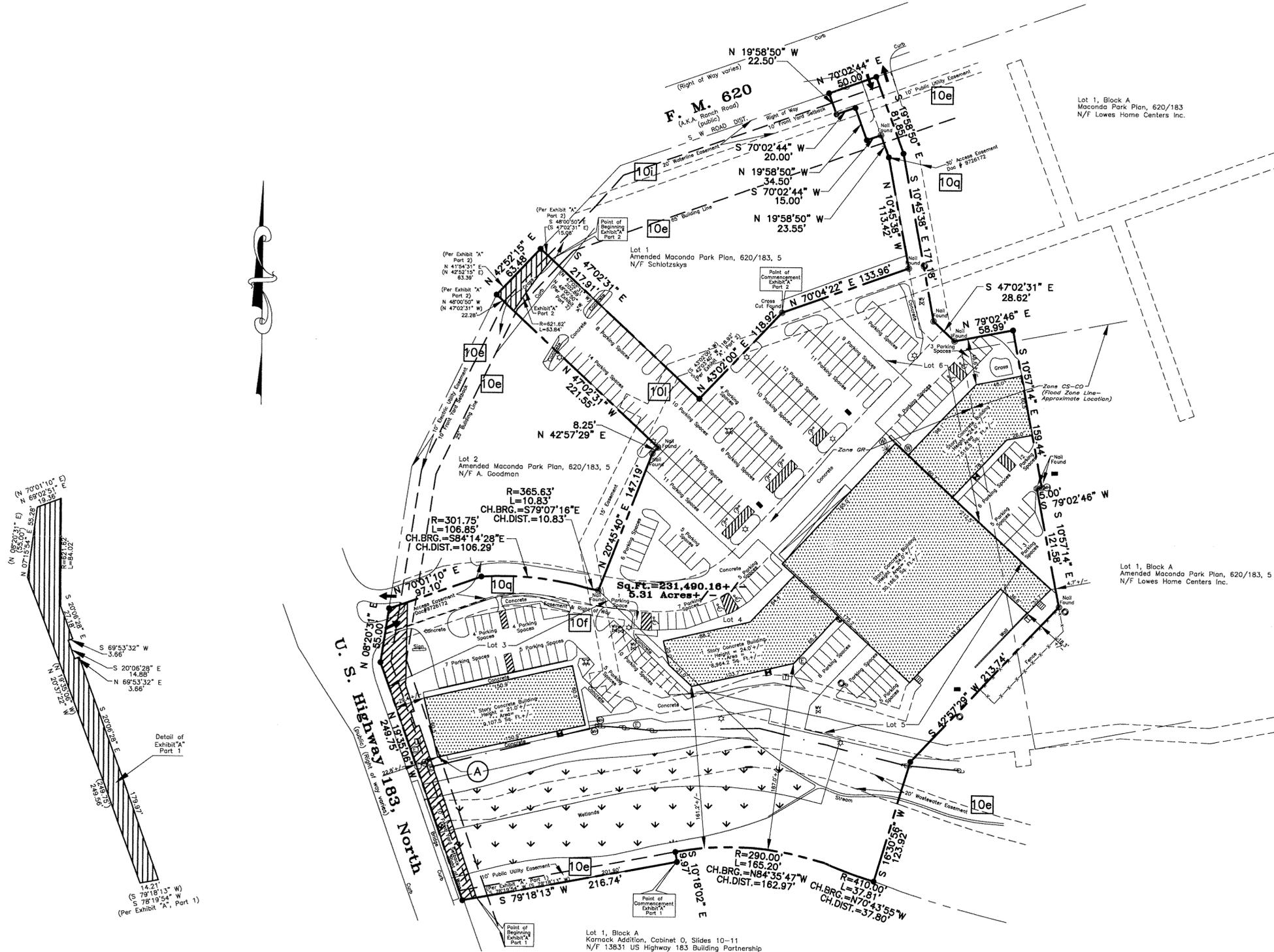
-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

ZONING CASE#: C14-2023-0011
 LOCATION: 13201 FM 620, Suite 108
 SUBJECT AREA: 0.0298 Acres
 GRID: F39
 MANAGER: Sherri Sirwaitis



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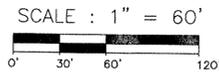
EXHIBIT C



- N. North
- S. South
- E. East
- W. West
- ° Degrees
- ' Feet or Minutes
- '' Inches or Seconds
- Sq. Square
- Ft. Feet
- Vol. Volume
- Pg. Page
- O.R. Official Record
- Calc. Calculated
- Rec. Record
- R/W Right of Way
- CL Centerline
- N/A Not Applicable

Legend of Symbols & Abbreviations

- - Bollard
- - Gas Box
- - Catch Basin Round
- - Catch Basin Square
- - Clean Out
- - Electric Box
- - Electric Manhole
- - Electric Meter
- - Unknown Manhole
- - Curb Storm Inlet
- - Tower
- ⊕ - Fire Hydrant
- ⊕ - Gas Valve
- ⊕ - Gas Meter
- ⊕ - Handicapped
- ⊕ - Light Pole
- ⊕ - Monitoring Well
- ⊕ - Gas Manhole
- ⊕ - Gas Marker
- ⊕ - Transformer
- ⊕ - Flag Pole
- ⊕ - Power Pole
- ⊕ - Sanitary Manhole
- ⊕ - Satellite Dish
- ⊕ - Sign
- ⊕ - Storm Manhole
- ⊕ - Telephone Manhole
- ⊕ - Water Box
- ⊕ - Water Manhole
- ⊕ - Traffic Pole
- ⊕ - Storm Pipe
- ⊕ - Guy Wire
- ⊕ - Well
- ⊕ - Water Meter
- ⊕ - Water Meter Pit
- ⊕ - Water Valve
- ⊕ - Vault
- ⊕ - Vent
- ⊕ - Monumentation
- ⊕ - Iron Rod To Be Set
- ⊕ - Air Conditioner Unit
- ⊕ - Sprinkler Head
- ⊕ - Ground Light
- - - - - Easement Line
- - - - - Fence Line
- - - - - Overhead Wires
- - - - - Gas Line
- - - - - Water Line
- - - - - Underground Utility
- - - - - Sanitary Line
- - - - - Storm Line
- - - - - Property Line
- - - - - Building Line
- - - - - Centerline
- - - - - Right of Way Line



ALTA/ACSM LAND TITLE SURVEY
 PREPARED FOR:
Anna Plaza Project
 DATE: 12-13-07
 NETWORK PROJECT No. 200700125-1

Sheet 2 of 2

Bock & Clark's National Surveyors Network
 National Coordinators of ALTA/ACSM Land Title Surveys
 537 North Cleveland-Massillon Road Akron, Ohio 44333
 Phone: (800) Surveys; Fax: (330) 666-3608 www.1800surveys.com

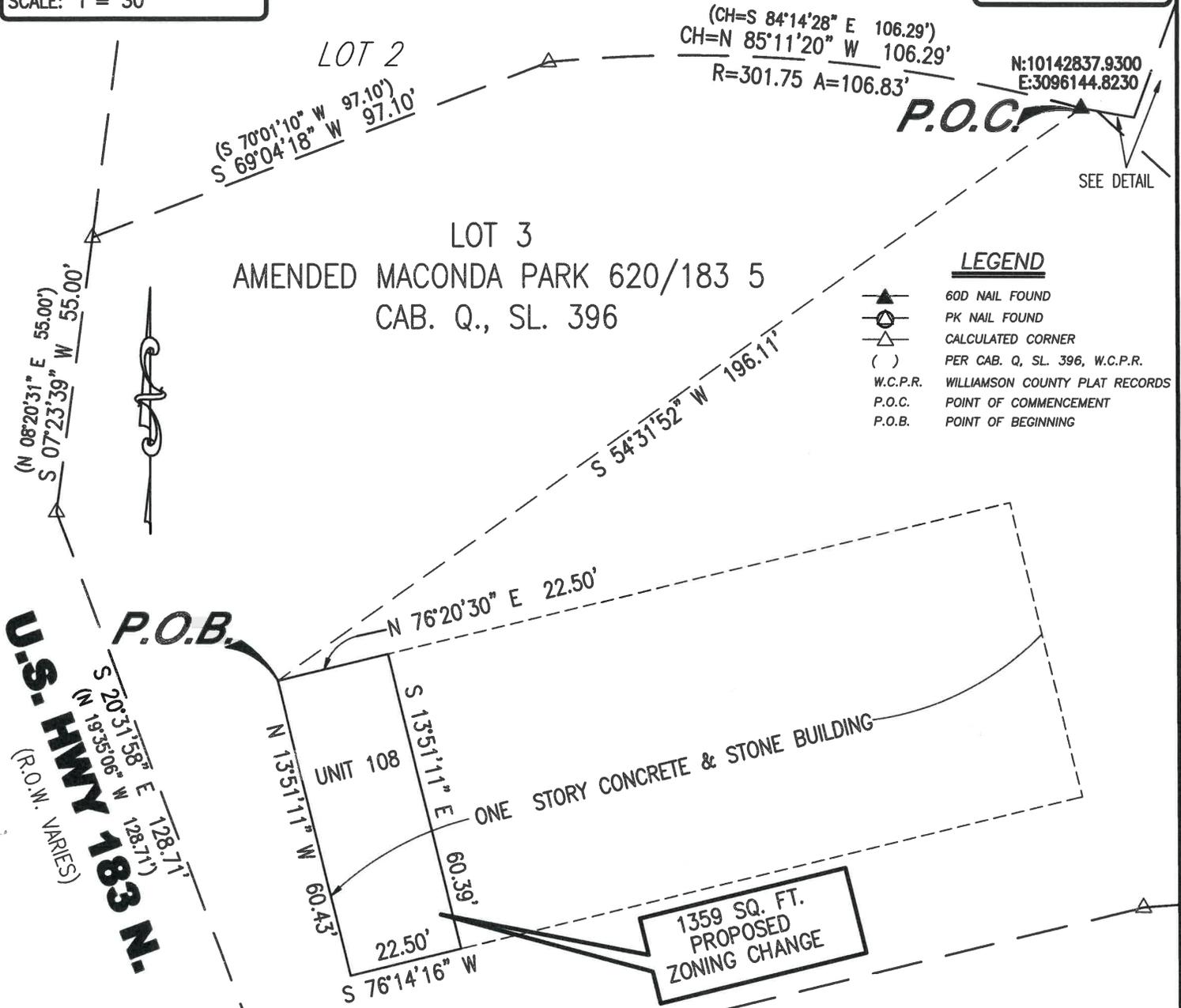


JOB #: B108022
 DATE: 12/12/22
 SCALE: 1" = 30'

03514-2023-0011 - Eskimo Hut, District 6

SKETCH TO ACCOMPANY FIELD NOTES FOR PROPOSED ZONING CHANGE

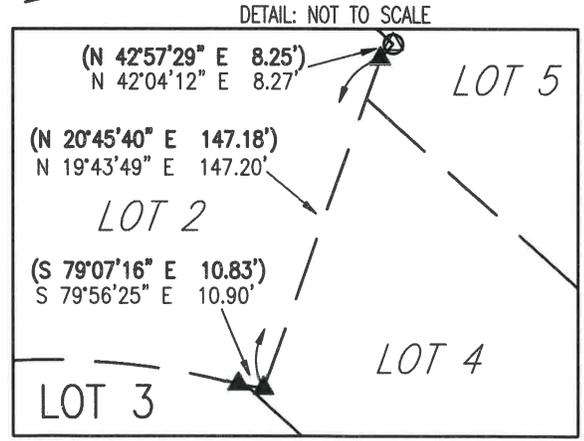
12 of 13
 EXHIBIT "A"
 SHEET 1 OF 2



LEGEND

- 60D NAIL FOUND
- PK NAIL FOUND
- CALCULATED CORNER
- () PER CAB. Q., SL. 396, W.C.P.R.
- W.C.P.R. WILLIAMSON COUNTY PLAT RECORDS
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING

- NOTES:
- 1) ALL BEARINGS AND DISTANCES ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE, U.S. SURVEY FEET.
 - 2) THIS IS A ZONING DRAWING AND IS NOT INTENDED TO REPRESENT A BOUNDARY SURVEY.
 - 3) EASEMENTS AND BUILDING SETBACK LINES AFFECTING LOT 3 ARE NOT SHOWN HEREON.



B & G SURVEYING, LLC
 FIRM REGISTRATION NO. 100363-00
 WWW.BANDGSURVEY.COM
 1404 West North Loop Blvd.
 Austin, Texas 78756
 Office 512*458-6969



Victor M. Garza 12/13/22
 VICTOR M. GARZA, R.P.L.S. 4740 DATE

EXHIBIT "A "

PROPOSED ZONING CHANGE

BEING 1359 SQUARE FEET OF LAND OUT OF THE ELISHA ALLEN SURVEY, ABSTRACT NO. 18, SITUATED IN THE CITY OF AUSTIN, WILLIAMSON COUNTY, TEXAS AND BEING A PORTION OF LOT 3, AMENDED MACONDA PARK 620/183 5, A SUBDIVISION RECORDED IN CABINET Q, SLIDE 369 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 1359 SQUARE FEET OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 60d nail found at the end of a curve in the north line of said Lot 3, from which the northwest corner of said Lot 3 bears the following two (2) courses:

1. following the curving common line of Lot 2 of said subdivision and said Lot 3 with a curve to the left having a radius of 301.75 feet, an arc length of 106.83 feet and whose chord bears N 85°11'20" W, a distance of 106.29 feet,
2. S 69°04'18" W, a distance of 97.10 feet,

THENCE S 54°31'52" W, into and across said Lot 3, a distance of 196.11 feet to the northwest corner of an existing building, for the POINT OF BEGINNING and the northwest corner hereof;

THENCE N 76°20'30" E, following the north wall of said building, a distance of 22.50 feet to a point for the northeast corner hereof;

THENCE S 13°51'11" E, crossing said building, a distance of 60.39 feet to a point in the south wall of said building for the southeast corner hereof;

THENCE S 76°14'16" W, following the south wall of said building, a distance of 22.50 feet to a point for the southwest corner hereof;

THENCE N 13°51'11" W, following the west wall of said building, a distance of 60.43 feet to the PLACE OF BEGINNING hereof and containing 1359 square feet, more or less.

Special Notes:

- This is a zoning exhibit and is not intended to represent a boundary survey of the parent property.
- All Coordinates, Bearings and Distances are reference to the Texas Coordinate System of 1983, Central Zone, U.S. Survey Feet.

THIS DESCRIPTION TO BE USED WITH THE ATTACHED SKETCH ONLY.

VICTOR M. GARZA, R.P.L.S. 4740
B & G SURVEYING, LLC
1404 W. NORTH LOOP BLVD.
AUSTIN, TEXAS 78756
(512) 458-6969

12/13/22

Date

